

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA, In and for the County of Cochise

**JUDGE: HONORABLE JAMES L CONLOGUE,
DIVISION: FIVE
COURT REPORTER: VAN HONEMAN
INTERPRETER: NONE**

**MARY ELLEN DUNLAP, Clerk of the Superior Court
by: CAROL ROLES (11/19/2018) Deputy Clerk**

HEARING DATE: 11/19/2018

STATE OF ARIZONA, VS KIRBY TRENT FULTON DOB: 2/14/1975	Plaintiff, Defendant.	CASE NO: S0200CR201300567 S0200CR201800990 MINUTE ENTRY: REVIEW HEARING HEARING START TIME: 9:30 AM HEARING END TIME: 10:08 AM
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State Represented by: Lori Zucco, Chief Criminal Deputy County Attorney, and Doyle Johnstun, Deputy County Attorney

Defendant present in person and by: Harry Moore, Assistant Legal Defender

Defendant in Custody: YES

These matters were called together before the Court this date for Review Hearing.

The Court noted that when the parties were last in Court, Mr. Larson stated that Defendant wished to represent himself in these matters; thus, a Review Hearing was set.

Upon inquiry by the Court, Defendant confirmed that he wishes to represent himself in these matters.

The Court advised Defendant of the dangers and disadvantages of self-representation; his obligations as a pro se defendant; that he would be held to the same standard as an attorney; and would be required to proceed in a manner consistent with the rules and the law.

The Court further advised Defendant of the potential penalties should he be convicted of the charges in the new case.

The Court further advised Defendant that Mr. Moore would continue as advisory counsel in both cases, and the Court explained the role of advisory counsel.

Upon further inquiry by the Court, the Defendant stated that he is fully aware of the responsibility and potential consequences and still wishes to represent himself.

At 9:44 a.m. these proceedings recessed to enable the Court to secure and complete the waiver form and to allow Defendant and Mr. Moore an opportunity to carefully review the waiver form.

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Date: 11/19/2018 Case No.: S0200CR201300567, S0200CR201800990
Minute Entry – Review Hearing

At 10:06 a.m. these proceedings reconvened with the presence of Defendant, Mr. Moore, and Mr. Johnstun, representing the State.

Upon inquiry by the Court, Defendant stated that he understands the waiver and wished to proceed.

The Court FINDS that Defendant has knowingly, intelligently and voluntarily waived his right to counsel in these matters. Defendant will be representing himself in both cases; and Mr. Moore will continue as advisory counsel in both cases.

In CR201300567:

IT IS ORDERED SETTING this matter for a **Violation Hearing** on **TUESDAY, DECEMBER 4, 2018**, at 9:00 a.m. in Division FIVE of this Court.

In CR201800990:

The Court stated that it went back to the Arraignment and calculated the Speedy Trial Deadline to be April 8, 2019, and if the Defendant is released from custody it would be May 8, 2019.

The Court confirmed that Defendant had executed the Notice to Defendant of Effect of Voluntary Absence.

IT FURTHER ORDERED SETTING this matter for **Jury Trial** to commence on **TUESDAY, FEBRUARY 26, 2019**, in Division FIVE of this Court.

IT IS FURTHER ORDERED that Defendant and counsel shall meet with the Court at 8:30 a.m. on the first day of trial and jury selection will begin at 9:00 a.m.

IT IS FURTHER ORDERED SETTING a Pretrial Conference for **MONDAY, JANUARY 14, 2019**, at 1:30 p.m. in Division FIVE of this Court.

All further formal notices and service will go directly to the Defendant at the address provided to the Court. Courtesy copies of all pleadings should be sent to Mr. Moore.

The Court will provide a copy of the Waiver of Counsel signed by Defendant to both the County Attorney and Mr. Moore.

xc: e-mailed (e) by: cdr date: 11/19/18

County Attorney (e)
Legal Defender (e)

Defendant: Kirby Fulton c/o Cochise County Jail, 203 North Judd Drive, Bisbee, AZ 85603
CCSO/Jail (e) DIV FIVE JAA APO (e) Jury (e)